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Guidelines on dealing with harassment, discrimination and violence

as of 30th October 2019

These Guidelines were adopted by the University Executive Board at its meeting on 3rd September 2019.

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Preamble

Technische Universität Dresden is committed to counteract any form of harassment, discrimination and violence within the university life. No individual shall be discriminated against on the basis of gender, ethnic or social origin, age, health impairment, sexual orientation or identity, religion or worldview.

Technische Universität Dresden communicates a clear commitment against harassment, discrimination and violence in its basic regulations as well as through corresponding framework plans and concepts (such as the Action Plan for the Implementation of the UN Disability Rights Convention 2017, the Diversity Strategy 2030, the Women's Promotion Plan 2019, the Gender Equality Concept 2018, the Integration Agreement 2013, the University Health Management Concept and the WE-CARE Contact Point). Numerous measures to prevent discrimination and to protect managerial staff from legal disputes are already part of everyday practice. With the implementation of these Guidelines, the protective function against harassment, discrimination and violence will be further structurally developed through the establishment of a complaints office that is open to all employees as well as all students.

Technische Universität Dresden stands for a climate of cooperation in which the idea of prevention takes precedence over the consideration of sanctions. Successful prevention is guaranteed by the assumption of both individual and institutional responsibility. Preventive measures should be

designed for specific target groups and implemented sustainably. The aim is to promote respectful and appreciative treatment of all persons working and studying at Technische Universität Dresden.

1. Scope of application

- 1.1 These Guidelines apply to all members and associate members of Technische Universität Dresden. The University Medicine (Carl Gustav Carus University Hospital Dresden and the Carl Gustav Carus Faculty of Medicine) also has an action plan for dealing with discrimination. In principle, all contact points are open to those affected.
- 1.2 The validity of circular letter D2/2/2007 "The General Equal Treatment Act (AGG) and its effects on employment law at TU Dresden" is not affected by these Guidelines.

2. Definitions

- 2.1 Harassment occurs when certain behaviour violates the dignity of a person and creates an intimidating, hostile, humiliating or offensive environment. This includes all verbal, non-verbal and physical forms of sexual harassment. It may also include behaviour that is designed to isolate individuals from their social environment (in the context of bullying) or can be described as persistent stalking and spying (in the context of stalking).
- 2.2 Discrimination means disparagement, contempt, disregard, exclusion or violence towards persons on the basis of actual or ascribed group-specific characteristics. Behaviour is discriminatory if a person is disadvantaged on the basis of gender, ethnic or social origin, age, health impairment, sexual orientation or identity, religion or belief. The following types of behaviour are differentiated:
 - a) Direct discrimination is understood to have occurred where one person is treated less favourably than another is, has been or would be treated in a comparable situation.
 - b) Indirect discrimination occurs where an apparently neutral provision, criterion or practice puts one person at a particular disadvantage compared with another person.
 - c) An instruction to discriminate against a person shall be deemed discrimination.
- 2.3 The concept of violence in these Guidelines covers all forms of sexualised violence.

3. Prevention

Within the framework of a mutually agreed documented work programme (see outline plans and concepts of Technische Universität Dresden in the preamble), the following prevention measures will be continued or gradually implemented in the coming years:

- 3.1 **Networking**
In view of the very different thematic areas such as inclusion, gender justice, dealing with heterogeneity and conflict management, it is important that all actors involved in these areas network and exchange views regularly. Networking also offers a good opportunity to identify and define the multidimensional and intersectional forms of harassment, discrimination and violence more quickly, and to develop tailored counter-strategies.
- 3.2 **Counselling**
Another great support is a varied counselling landscape, which on the one hand provides specialised counselling for individual cases and on the other hand promotes the development of additional targeted, group-specific offers through the exchange and networking of the offices.

3.3 Public relations/further training

A further essential component in the preventive work is an effective information policy, which ensures that existing offers and contact persons are known to all members and relatives of Technische Universität Dresden. "To inform" also entails the conception and implementation of regular further training events on prejudiced structures and the corresponding intervention approaches as well as the professionalisation of existing counselling centres.

3.4 Surveys/Monitoring

Reporting on the results of anonymous surveys can help to make disadvantages visible and raise awareness among the university public. Systematic monitoring of diversity can also help to show where individual groups of employees and students are not sufficiently represented.

4. Counselling and support for victims

4.1 In the event of incidents of harassment, discrimination and violence, various counselling centres are available to those affected for counselling sessions and for their own protection. The counselling centres support the victims in fighting for their rights and, if desired, accompany them on the way to lodging a complaint with the complaints office according to point 5.

4.2 All counselling interviews according to point 4.1 are treated confidentially, unless both parties jointly agree to pass on the contents of the interview or parts of the contents of the interview to third parties.

4.3 The following counselling centres in particular are available to those affected:

- a) International Students and Staff Officer
- b) Liaison Officer for Students with Disabilities and Chronic Diseases
- c) Occupational Health Services (Directorate Property Management, Technology and Security; Unit 4.7)
- d) Equal Opportunities Officer of Technische Universität Dresden, Equal Opportunities Officer of the Schools, Faculties and Central Academic Units
- e) Inclusion Officer
- f) Representative of the youth and trainees
- g) Conflict Mediators
- h) Personnel Representation Council
- i) Psychosocial counselling centre at the Studentenwerk Dresden (Student Union)
- j) Representative of Employees with Disabilities

5. Complaints Office of Technische Universität Dresden

- 5.1 The University Executive Board shall be the Complaints Office.
- 5.2 The University Executive Board shall delegate the procedure to the Officer for Complaints of Harassment, Discrimination and Violence.

6. Complaints Office

- 6.1 All persons within the meaning of point 1 of these Guidelines have the right to complain to the Complaints Office of Technische Universität Dresden (according to point 5).
- 6.2 The complaint can be made by post, email or in person.
- 6.3 The complaint should describe the events. Any witnesses and/or evidence available should be named. It should also be stated whether and to what extent other persons have already been informed about the incidents and whether and to what extent measures have already been taken.
- 6.4 Plaintiffs shall be made aware of support measures and counselling services and shall be subject to an appropriate and transparent procedure. The complaint shall be examined and the plaintiff notified of the outcome.
- 6.5 If, as a result of the incidents described above, labour/disciplinary measures are considered (see point 7), the Complaints Office's Personnel Department must be involved immediately. In the event that measures against students need to be considered (see also point 7), the Complaints Office must immediately involve the offices responsible for implementing sanctions against students.

7. Sanctions

- 7.1 All persons within the meaning of point 1 of the Guidelines, with the exception of students, who are responsible for incidents within the meaning of point 2 of the Guidelines, may be subject to disciplinary or employment law consequences that may lead to the termination of their employment or employment relationship.
- 7.2 In particular, the following measures are taken with regard to students
 - a) Exclusion from lectures and courses
 - b) Exclusion from the use of university facilities
 - c) Withdrawal of the right to use the IT facilities
 - d) Ban from entering university premises
 - e) De-registration

However, measures can only be considered in accordance with the applicable legal bases.

8. Data protection / quality assurance

The implementation of these Guidelines shall be carried out in compliance with all data protection regulations. The implementation will be technically accompanied, documented and continuously optimised by a working group to be set up on a permanent basis with the designated representative according to point 5.2, the advisory bodies according to point 4.3, the Staff Unit Diversity Management and representatives of other organisational units. An evaluation of the implementation of the directive will be carried out after two years by representatives of the Senate Commission on Equality and Diversity Management, Directorate Personnel, the Personnel

Representation Council, and the Equal Opportunities Officer and Officer for the Protection of Women's Rights of Technische Universität Dresden.

9. Coming into force

These Guidelines are published in the Official Announcements of Technische Universität Dresden. They shall enter into force on the day after their publication.

Dresden, 30th October 2019

The Rector
of Technische Universität Dresden

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